

February 16, 2024

Via ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Mullen Technologies, Inc. et al. v. Gem Global Yield LLC, et al.* (No. 1:23-cv-11268-KFP);
Plaintiffs' Request to Provisionally File Document Under Seal

Dear Judge Failla:

We represent Plaintiffs Mullen Technologies, Inc. and Mullen Automotive, Inc. (together, "Plaintiffs" or "Mullen") in the above-referenced action. Pursuant to Rule 9(C) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to provisionally file under seal Mullen's Letter Motion in Opposition (the "Opposition") to the Request to Stay, ECF 26 (the "Motion"), filed by Defendants GEM Global Yield LLC SCS, GEM Yield Bahamas Limited (together, "GEM"), and Christopher Brown.

As indicated in Defendants' Request to Provisionally File Documents Under Seal, ECF 25, there is an arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.* (ICDR Case No. 01-21-0016- 7001) (the "Arbitration"), pursuant to which GEM and Mullen, through their counsel of record, entered into a certain Stipulated Confidentiality Agreement and Protective Order ("Confidentiality Agreement"). Mullen submits that the Confidentiality Agreement is sufficiently broad in scope so as to warrant the filing of Mullen's Opposition under seal.

As such, Mullen respectfully requests that the Court provisionally permit the under-seal filing of the Opposition. Mullen does not object to Defendants' proposed briefing schedule for the submission of a motion to permanently maintain under seal the papers filed in connection with the Motion, *see* ECF 25 at 2.

Dated: February 16, 2024

Respectfully submitted,

THE BASILE LAW FIRM P.C.

/s/ Waleed Amer

Waleed Amer, Esq.

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